

REMARKS

Reconsideration of the application is requested.

Claims 11, 13, 15, 16, 18, 19, 21-29, 31, 33-36 and 38 are now in the application. Claims 11, 13, 15, 16, 18, 19, 21-29, 31, 33-36 and 38 are subject to examination. Claims 31 and 34 have been amended. Claims 32 and 37 have been canceled to facilitate prosecution of the instant application. Claims 11, 13, 15, 16, 18, 19, 21-29, and 38 have been allowed.

Entry of the amendment after the final rejection is requested and is proper since no new issue requiring further consideration or search has been presented. The respective limitations of claims 32 and 37, which have been indicated as being allowable, have been added into claims 31 and 34.

Under the heading "Claim Rejections – 35 USC§102" on page 2 of the above-identified Office Action, claims 31 and 34 have been rejected as being fully anticipated by U.S. Patent No. 6,559,439 to Tsuchida et al. under 35 U.S.C. § 102.

The limitations of claim 32 have been added to claim 31, and the limitations of claim 37 have been added to claim 34. Please see the discussion below.

Under the heading "Allowable Subject Matter" on page 3 of the above-identified Office Action, the Examiner objected to claims 32, 33, and 35-37 as being

dependent upon a rejected base claim, but stated that they would be allowable if rewritten in independent form including all of the limitations of the base claim.

The limitations of claim 32 have been added to claim 31, and the limitations of claim 37 have been added to claim 34.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 31 or 34. Claims 31 and 34 are, therefore, believed to be patentable over the art. Dependent claims 33, 35, and 36 are believed to be patentable as well because they all are ultimately dependent on claim 31 or 34.

In view of the foregoing, reconsideration and allowance of claims 31 and 33-36 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Appl. No. 10/573,540
Reply to Office Action of December 17, 2008
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Respectfully submitted,

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MPW:cgm

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